

GRAYS HARBOR COUNTY DISTRICT COURT  
LOCAL COURT RULES  
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**LAR 5**  
**Court Organization; Presiding Judge**

(a) Court Organization; Departments. The Grays Harbor County District Court district includes all of Grays Harbor County. Grays Harbor County District Court has two departments: Department No. 1, located in Montesano, Washington, and Department No. 2, located in Aberdeen, Washington. The district judges are authorized to hear cases in either department.

(b) Assignment and Filing of Cases by Departments.

(1) All cases filed with the Grays Harbor County District Court shall be filed, maintained and heard in the department designated by the Presiding Judge.

(2) Pursuant to a reorganization of the court in 2003, Dept. 1 will be designated as the department where all criminal cases will be filed and heard, and Dept. 2 will be designated as the department where all civil cases will be filed and heard.

(3) Either district judge may order the transfer of any case to another judge or department to assure the expeditious and efficient handling of all cases and equal distribution of the case load among the district judges. In the event of recusal or other disqualification of a department's judge, the court administrator shall cause the case to be heard by another judge, visiting judge or judge pro tempore.

[Adopted effective September 1, 1999; Amended effective September 1, 2003; Amended effective September 1, 2022.]

**LAR 11**  
**Office Hours**

At least one of the two Grays Harbor County District Court departments and offices with a clerk in attendance shall be open to the public each judicial day from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m.

[Adopted effective September 1, 1999; Amended effective September 1, 2003; Amended effective September 1, 2019; Amended effective September 1, 2022]

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**LCR 26**  
**Discovery**

[Rescinded effective September 1, 2019.]

**LCR 30 Depositions**  
**Upon Oral Examination**

[Rescinded effective September 1, 2019.]

**LCR 33**  
**Interrogatories to Parties**

[Rescinded effective September 1, 2019.]

**LCR 34**  
**Requests for Production of Documents and Things**

[Rescinded effective September 1, 2019.]

**LCR 38**  
**Civil Jury Trial**

(a) Demand. The request for jury trial in civil cases shall be by filing a demand with the clerk and paying the jury fee not later than the date of serving and filing a request for a trial setting. Failure to comply with this rule is a waiver of the right to a jury trial.

[Adopted effective September 1, 1999.]

**LCR 40**  
**Assignment of Civil Cases for Trial**

(a) Civil Motions/Trial Setting Calendar. Civil motions and requests for trial settings shall be scheduled as follows:

Dept. 2: Days and times as determined by the Presiding Judge.  
Contact the court office for more information.

(b) Method. A party desiring have a trial date set for a case shall file with the court and serve upon all parties a request for trial setting at least 5 days prior to the time provided by this rule for setting causes for trial. All other parties shall serve and file a similar request or appear at the date and time the cause is to be set. The initial request for trial setting shall be accompanied by a list of the names and addresses of all persons entitled to notice. All parties have the obligation to inform the court promptly of any errors or changes in this list. Each party and their attorney should include in their request for trial setting a schedule of unavailable dates.

(c) Notice to Court of Calendar and Trial Changes. Whenever a cause which has been set for trial is settled or will not be tried for any reason, or if a jury is subsequently waived, the attorneys shall immediately give notice to the court. The court may assess actual costs or other sanctions for a violation of this rule.

[Adopted effective September 1, 1999; Amended effective September 1, 2003.]

**LCR 41**  
**Dismissal of Actions**

(b) Dismissal on Clerk's Motion. In all civil cases where there has been no action of record due in the twelve months just past, the clerk shall mail notice to the parties or their attorneys of record that such case will be dismissed for want of prosecution unless within thirty days following said mailing, action of record is made or an application in writing is made to the court and good cause shown why it should be continued as a pending case. If such application is not made or good cause is not shown, the court shall dismiss each such case without prejudice. The costs of filing such order of dismissal with the clerk shall not be assessed against either party.

**LCR 54**  
**Attorney Fees and Costs**

(a) Reasonable Attorney Fees; Proof Required. Reasonable attorney fees when allowed by statute or contract will be determined on a case by case basis and awarded in the sound discretion of the court upon satisfactory proof, which may include documentation of time and charges.

(b) Default Judgment; Fees Allowed without Justification. In appropriate cases, when a Default Judgment is entered, reasonable attorney fees may be allowed on the basis of a maximum of 50% of the first \$500 of the principal amount of the judgment, plus 10% of any balance over \$500, without formal justification or documentation.

(c) Original Note or Check Required; Offer of Settlement After Appearance or Answer. The original note and any checks sued upon shall be filed as a condition for the award of reasonable attorney fees and collections costs. In all other cases where reasonable attorney fees are claimed either by virtue of a written instrument or a bona fide offer of settlement in a claim for damages, a copy of the offer of settlement together with proof of service or copy of the written instrument shall be filed. An attorney fee as provided for in RCW 4.84.250-.310 shall not be awarded upon a default judgment except when either a Notice of Appearance or responsive pleading (other than a consent to judgment) has been filed and an offer of settlement is served thereafter pursuant to statute or court rule.

[Adopted effective September 1, 1999.]

**LCR 65**  
**Small Claims**

(a) Filing. Small Claims cases shall be filed on a form approved by the Court.

(b) Mediation Mandatory. Mediation is mandatory before a trial is allowed. A date for mediation will be set on or after the return calendar. All parties must attend the mediation. If the plaintiff fails to appear, a dismissal will be entered. If the defendant fails to appear, defendant's answer will be stricken and a default judgement entered. Parties must bring their evidence to the mediation, however, no witnesses are allowed. The purpose of mediation is to provide the parties an opportunity to settle the case if possible without a trial; if no settlement is made after mediation, the court will set a trial. Attorneys and paralegals may not represent parties at mediation. If the parties have already submitted the case to another type of mediation or arbitration service, or if the court finds good cause to waive mediation, the case may proceed directly to trial.

(c) Continuance of Mediation and Trial of Small Claim Cases. Any party requesting a continuance of a scheduled mediation session or small claim case must contact the court in writing and explain the circumstances which may require the mediation session or trial to be continued to another date and time. If all parties agree to a continuance, the court will grant the request. If all parties do not agree, the case may be continued by the Court upon a showing of good cause for a continuance. If the request is not granted by the court, the mediation and trial will proceed as currently scheduled. The Court, upon its own motion, may continue a trial for any reason.

[Adopted effective September 1, 1999; Amended effective July 1, 2007.]

**LCR 66**  
**Name Changes**

(a) Separate Petitions Required. A separate petition shall be filed for each name a party wishes changed.

(b) Minors.

1) Birth Certificate. A certified copy of any minor applicant's birth certificate or suitable identification must be presented to the clerk for verification and copying.

2) Parental Notification. A parent or guardian who has not consented in writing to a minor's change of name and whose parental rights have not been previously terminated must be given actual notice or notice by publication as provided in CRLJ 4. Notice to the non-petitioning parent may be waived by the court for good cause.

3) Notice by Publication. Publication of a single notice in a newspaper of general circulation in the county of the parent or guardian's last known residence shall be sufficient so long as the notice contains a hearing date, the name of the minor, the name the petitioner desires the child to assume, and sets forth the reasons for requesting the change of name.

(c) Form of Order. An Order for Name Change should conform to the format required by Chapter 65.04 RCW to facilitate recording with the County Auditor.

[Adopted effective September 1, 1999; Amended effective September 1, 2022.]

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**LCrR 3.1(e)**  
**Automatic Withdrawal of Attorney Appointed at Public Expense**

Unless a Notice of Appeal has been filed, an attorney appointed at public expense shall be deemed automatically withdrawn from representation thirty days following a final decision of the court as defined in RALJ without need to file any document with the court.

[Adopted effective September 1, 1999.]

**LCrR 3.2**  
**Bail Schedule**

The court shall periodically publish a bail schedule, which will include any bail schedule and penalty schedule promulgated by the Supreme Court of the State of Washington. The schedule will also include appearance days and times. The schedule shall be provided to all law enforcement agencies within the county. The bail schedule shall be intended as a guideline, but shall not be construed as limiting the authority of the court in individual cases to set bail in a different amount.

[Adopted effective September 1, 1999.]

**LCrR 3.2 (m)**  
**Bail in Criminal Cases**

When required to reasonably assure appearance in court, bail for a person arrested for the offenses listed in CrRLJ 3.2(m) - (s) shall be the amount listed therein. The court for good cause recited in a written order may set a different amount.

[Adopted effective September 1, 1999; Amended effective July 1, 2007; Amended effective September 1, 2009; Amended effective September 1, 2019.]

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**LCrR 3.3(h)**  
**Continuances**

A motion for continuance of trial must be filed on or before the date set for jury confirmation hearing, unless circumstances beyond the control of the moving party prevent such motion from being timely filed.

[Adopted effective September 1, 1999; Amended effective September 1, 2022.]

**LCrR 4.5**  
**Pre-trial Hearing**

(a) The court should set all cases for a pre-trial hearing no later than 45 days after arraignment. The prosecutor, defense counsel and the defendant shall attend the pre-trial hearing. If the defendant fails to appear for the pre-trial hearing, a warrant for the arrest of the defendant may issue. If the prosecutor or defense counsel fails to appear at the pre-trial hearing, the court may impose terms and any other sanctions authorized by law, and the court may continue or strike any scheduled hearing or trial date.

[Adopted effective December 1, 1987; Amended effective September 1, 2001; Amended effective September 1, 2022.]



**LCrR 4.8**  
**Notification of Court and Witnesses**

When a case docketed for trial or other hearing is settled or will not otherwise proceed to hearing, the parties shall immediately give notice of that fact to the court. It shall be the duty of each party to notify its own witnesses, not only of the date and time of trial, but also of continuances, pre-trial hearings, motions and other proceedings. The court will not pay witness fees to witnesses who appear for a case that has been continued or settled without trial or hearing. Such costs shall be borne by the party, or attorney, who called, subpoenaed or requested a subpoena for the witness.

[Adopted effective December 1, 1987; Amended effective September 1, 1999.]

**LCrR 4.9**  
**Motions in Limine**

In cases scheduled for trial by jury, all motions in limine that are reasonably expected to require more than 10 minutes of total court time shall be filed and noted according to applicable court rules and heard no less than five (5) days prior to the date of the trial.

[Adopted effective September 1, 2022.]

**LCrR 5.1.1**  
**Jury Trial - Confirmation - Notification of Court**

(a) All cases set for a jury trial will also be set for a Confirmation Hearing prior to the jury trial date. The prosecutor, defense counsel and the defendant shall attend the Confirmation Hearing. If the defendant fails to appear for the confirmation hearing, a warrant for the arrest of the defendant may issue, and the court may continue or strike any scheduled hearing or trial date. If the prosecutor or defense counsel fails to appear at the Confirmation Hearing, the court may impose terms and any other sanctions authorized by law, and the court may continue or strike any scheduled hearing or trial date. At the Confirmation Hearing, all parties are expected to verify readiness to proceed to trial, or to propose an alternate disposition. When a case assigned for jury trial is settled or will not be tried by the jury for any reason, notice of that fact shall be given immediately to the court. The court may impose terms including

requiring payment of the actual costs of the jury in the event a case settles after the Confirmation Hearing.

[Adopted effective September 1, 1999; Amended effective October 1, 2000; Amended effective September 1, 2009.]

**LCrR 5.1.2**  
**Bench Trial - Confirmation - Notification of Court**

(a) All cases set for trial to the court without a jury may be set for a Confirmation Hearing prior to the trial date. The prosecutor, defense counsel and the defendant shall attend the Confirmation Hearing. If the defendant fails to appear for the Confirmation Hearing, a warrant for the arrest of the defendant may issue, and the court may continue or strike any scheduled hearing or trial date. If the prosecutor or defense counsel fails to appear at the confirmation hearing, the court may impose terms and any other sanctions authorized bylaw, and the court may continue or strike any scheduled hearing or trial date. At the Confirmation Hearing, all parties are expected to verify readiness to proceed to trial, or to propose an alternate disposition. When a case assigned for trial to the court is settled or will not be tried for any reason, notice of that fact shall be given immediately to the court. The court may impose terms in the event a case settles after the Confirmation Hearing.

[Adopted effective September 1, 2003; Amended effective July 1, 2007; Amended effective September 1, 2009.]

**LCrR 6.1.1**  
**Jury Trial - Waiver**

A defendant that is charged with a criminal offense punishable by a loss of freedom should be scheduled for a jury trial, unless specifically waived by the filing of a Jury Trial Waiver prior to trial.

[Adopted effective September 1, 1999.]

**LCrR 6.1.2**  
**Jury Instructions**

Proposed Instructions. Proposed instructions utilizing Washington Pattern Jury Instructions shall be submitted by each party no later than three days before trial. The proposed instructions shall be formatted to be consecutive and contiguous rather than one per page. One printed copy each of annotated proposed instructions shall be provided to the clerk, the trial Judge, and each opposing party. Any modification to the Washington Pattern Jury Instructions shall be clearly noted on the annotated copies. A digital copy of the proposed instructions without citation shall also be provided to the trial Judge. The digital copy may be emailed to Court administration or delivered on electronic writable media storage

[Adopted effective September 1, 2022.]

**LCrR 7.1**  
**Post-Conviction Proceedings**

The defendant shall appear personally for all post-convictions proceedings unless excused by the court. An attorney may appear for the defendant at the first appearance on a petition to Revoke. If the defendant fails to appear as directed, a warrant for the arrest of the defendant may issue.

[Adopted effective September 1, 2019.]

**LCrR 8.2**  
**Motions**

(a) CrRLJ 8.1(c) and CrRLJ 8.2 shall govern motions in criminal cases.

(b) How Made. The moving party shall note motions in a timely manner so that all hearings and motions (other than final pretrial motions which can be completed before the time the trial is set to begin) will be heard at least seven days prior to the date of trial. Failure to timely note motions for hearing in accordance with this rule shall be deemed a waiver of the pretrial hearing on such motions.

(c) Legal Authority in Support of Motions. Counsel shall submit briefs that specify legal authority in support of, or in opposition to, a pending motion. The brief of the moving party shall be submitted at least four days before the scheduled hearing, and the brief of the responding party shall be filed at least by noon one day prior to the day of the hearing. Copies of all motion briefs shall be submitted to the Judge who has been assigned to hear the motion.

(d) Reapplication on Same Facts. When a motion seeking relief has been refused in whole or in part or has been granted conditionally and the condition has not been performed, the same application for relief shall not be presented to another Judge without advising the second Judge of the fact that the prior motion was previously refused or conditioned.

(e) Subsequent Motion, Different Facts. If a subsequent motion for relief is made upon an alleged different state of facts, it shall be shown by affidavit what application was made, when and to what Judge, what order or decision was made thereon, and what new facts are claimed to be shown. Any order obtained in violation of this section may be set aside.

[Adopted effective December 1, 1987; Amended effective September 1, 1999; Amended effective September 1, 2022.]

**LCrR 8.2(f)**  
**No Contact Orders**

A request to extinguish or modify a No Contact Order in a Domestic Violence case may only be made by a party to the case or the alleged victim and must be in writing. All parties and the alleged victim must be served with written notice at least five court days before any hearing to consider such a request unless the court orders otherwise.

[Adopted effective September 1, 1999; Amended effective September 1, 2019.]

**LCrR 8.5**  
**Return of Exhibits**

Every exhibit in a criminal case will be returned to the party/or attorney who produced that exhibit for identification. The return shall be made upon written application, two weeks following termination of the time for appeal. Exhibits not requested to be returned during that period by the producing attorney or party may be delivered by the court clerk to the local police authority for disposition as abandoned property; or if contraband, for destruction. No exhibit shall be withdrawn or delivered without being receipted for by the receiving party.

[Adopted effective December 1, 1987; Amended effective September 1, 1999.]

**LCrR 8.6**  
**Notices – Method**

The court clerks are authorized to direct a defendant's appearance by sending notice by mail to the defendant's last known address or by having the defendant sign a notice of promise to appear.

[Adopted effective September 1, 2019.]

**LCrR 8.7**  
**Warrants**

If the defendant fails to appear personally on any proceeding in which his or her presence is required under state or local rules, a warrant for the arrest of the defendant may issue.

[Adopted effective September 1, 2019.]

**LR 9.1**  
**Motions in Limine**

[Rescinded effective September 1, 2022.]

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**LIR 2.4**  
**Time Payments on Infractions**

Any person who has been served with a notice of infraction and who desires to use option (1) as provided in IRLJ 2.4(b)(1), may arrange time payments on the monetary penalty by signing a court approved time payment agreement.

[Adopted effective September 1, 1999.]

**LIR 3.1**  
**Motions**

[Rescinded effective September 1, 2019.]

**LIR 3.5**  
**Decisions on Written Statements**

Upon the request of the defendant made in writing at least 1 day prior to the date and time set for a contested hearing, the court may consider and decide the case on the basis of written statements, according to the procedure set forth in IRLJ 3.5, as now or hereafter amended. The court may also decide cases set for mitigation hearing on the basis of written statements upon request of the defendant.

[Adopted effective September 1, 1999.]

**LIR 3.6**  
**Notification of Court and Witnesses**

When a case docketed for a hearing is settled or will not otherwise proceed to hearing, the parties shall immediately give notice of that fact to the court. It shall be the duty of each party to notify its own witnesses, not only of the date and time of hearing, but also of continuances, motions and other proceedings. The court will not pay witness fees to witnesses who appear for a case that has been continued or settled without a hearing. Such costs shall be borne by the party, or attorney, who called, subpoenaed or requested a subpoena for the witness.

[Adopted effective September 1, 2022.]